



COMMONWEALTH of VIRGINIA

Robert A. Nebiker
Director

Department of Health Professions
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Richmond, Virginia 23230-1712

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June 25, 2003

AMENDED NOTICE OF INFORMAL CONFERENCE

Michael D. Pollock, D.C.
Bon Air Chiropractic Clinic
2520-A Professional Road
Richmond, Virginia 23235

CERTIFIED MAIL

7160 3901 9844 7520 5454

RE: License No. 0104-000305

Dear Dr. Pollock:

This letter is official notification that an informal conference of the Virginia Board of Medicine ("Board") will be held on **Wednesday, September 3, 2003, at 9:00 a.m., at the Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia.** The conference will be conducted pursuant to Sections 54.1-2919, 2.2-4019 and 2.2-4021 of the Code of Virginia (1950), as amended ("Code").

An Informal Conference Committee ("Committee"), composed of three members of the Board, will inquire into allegations that you may have violated certain laws and regulations governing the practice of chiropractic in Virginia. Specifically:

1. You may have violated Section 54.1-2915.A(3), as further defined in Sections 54.1-2914.A(8), (11), (13) and (14) of the Code, and 18 VAC 85-20-100 of the Board's General Regulations, in that you engaged in a sexual relationship with Patient A concurrent with and by virtue of the practitioner/patient relationship. Specifically, you provided chiropractic treatment to Patient A beginning July 10, 2000. You employed Patient A in your office beginning October 2, 2000, and began a personal relationship with her in approximately November 2000. You became sexually intimate with Patient A in approximately February 2001, and continued to treat her as a patient until approximately June 1, 2001.

2. You may have violated Section 54.1-2915.A(3), as further defined in Section 54.1-2914.A(8) and (11) in that you provide chiropractic treatment to your employees, including Patient A, and to your family members, but do not maintain treatment records. Failure to maintain treatment records on your patients is harmful and poses a danger to patients.

Board of Audiology & Speech - Language Pathology - Board of Dentistry - Board of Funeral Directors & Embalmers - Board of Medicine - Board of Nursing
Board of Nursing Home Administrators - Board of Optometry - Board of Pharmacy - Board of Counseling
Board of Physical Therapy - Board of Psychology - Board of Social Work - Board of Veterinary Medicine
Board of Health Professions

3. You may have violated Section 54.1-2915.A(3), as further defined in Sections 54.1-2914.A(8), (11), (13) and (14) of the Code, and 18 VAC 85-20-100 of the Board's General Regulations, in that you engaged in conduct of a sexual nature with Patient B, concurrent with and by virtue of the practitioner/patient relationship. On or about October 11, 2002, you examined Patient B in your office for her complaints of lower back pain. Before and during your examination of her, you made inappropriate comments to Patient B, and you touched Patient B during your examination of her in a way that made her feel uncomfortable and embarrassed. Specifically, you complimented Patient B on her appearance on more than one occasion before or during the examination, in a manner that was too personal to Patient B. Further, during your examination, you had Patient B bend over forward as you placed your hands on Patient B's waist. You then pressed the front of your lower body against hers from behind, as she was bent over forward.

4. You may have violated Section 54.1-2915.A(3), as further defined in Sections 54.1-2914.A(8), and (11) of the Code, in that on or about October 11, 2002, you told Patient B that one of her legs was longer than the other and that she needed orthopedic shoes. Your diagnosis was unsupported by a subsequent treating chiropractor.

Please see Attachment I for the name of the patient referenced above. The following actions may be taken by this Committee:

1. If a majority of the Committee is of the opinion that a suspension or revocation of your license may be justified, the Committee shall present to the Board in writing its findings, and the Board may proceed with a formal hearing.
2. The Committee may notify you in writing that you are fully exonerated of any charge that might affect your right to practice chiropractic in Virginia.
3. The Committee may reprimand or censure you.
4. The Committee may impose a monetary penalty pursuant to Section 54.1-2401 of the Code.
5. The Committee may place you on probation for such time as it may designate and direct that during such period you furnish the Committee or its chairman, at such intervals as the Committee may direct, evidence that you are not practicing in violation of the provisions of Chapter 29, Title 54.1 of the Code, which governs the practice of chiropractic in Virginia.

You have the right to information that will be relied upon by the Committee in making a decision. Therefore, I enclose a copy of the documents that will be distributed to the members of the Committee, and will be considered by the Committee when discussing the allegations with you and when deliberating upon your case. These documents are enclosed only with the original notice sent by certified mail, and must be claimed at the post office. A copy of this material has been provided to your attorney, Michael Goodman, Esquire.

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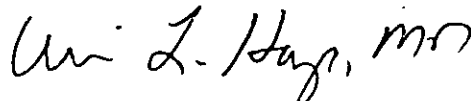
To facilitate this proceeding, you must submit eight (8) copies of any documents you wish for the Committee to consider to Reneé S. Dixon, Discipline Case Manager, Virginia Board of Medicine, 6603 West Broad Street, 5th Floor, Richmond, Virginia 23230-1717, by **12 noon on August 4, 2003**. Your documents may not be submitted by facsimile or e-mail. Should you or Senior Adjudication Analyst Kelli Moss wish to submit any documents for the Committee's consideration after August 4, 2003, such documents shall be considered only upon a ruling by the Chair of the informal conference committee that good cause has been shown for late submission.

Relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws relating to the practice of medicine and other healing arts in Virginia cited in this notice can be found on the internet at <http://leg1.state.va.us>. To access this information, please click on the *Code of Virginia* for statutes and *Virginia Administrative Code* for regulations.

Please advise the Board, in writing, of your intention to be present. Should you fail to appear at the informal conference, the Board may proceed to a formal administrative hearing in order to impose sanctions.

If you have any questions regarding this notice, please contact Kelli Moss, Senior Adjudication Analyst, at (804) 662- 7593.

Sincerely,



William L. Harp, M.D.
Executive Director
Virginia Board of Medicine

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Enclosures:

Attachment I
Informal Conference Package
Map

cc: J. Kirkwood Allen, President, Virginia Board of Medicine
Robert A. Nebiker, Director, Department of Health Professions
Reneé S. Dixon, Discipline Case Manager, Board of Medicine
Kelli Moss, Senior Adjudication Analyst
Michael L. Goodman, Esquire [w/enclosures]
Lynne Austin, R.N., Senior Investigator (83529/88691)